

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Case No. 10-CR-0017 (PJS/FLN)

Plaintiff,

ORDER ADOPTING REPORT AND
RECOMMENDATION

v.

CRAIG LESLIE ANDERSON,

Defendant.

Jeffrey M. Bryan, UNITED STATES ATTORNEY'S OFFICE, for plaintiff.

Manvir K. Atwal, FEDERAL DEFENDER'S OFFICE, for defendant.

Defendant Craig Anderson is charged with being a felon in possession of ammunition.

This matter is before the Court on Anderson's objection to Magistrate Judge Franklin L. Noel's March 26, 2010 Report and Recommendation ("R&R"). Judge Noel recommends denying Anderson's motion to suppress evidence obtained during a search of a motel room. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). Based on that review, the Court adopts the R&R.

The Court finds that a reasonable law-enforcement officer could have concluded that Anderson authorized a general search of his motel room, and not just a search for weapons. The Court also agrees with Judge Noel that, even if Anderson authorized only a search for weapons, a search through clothing hanging in a closet would be within the scope of such consent.¹ Finally, the Court notes — but does not decide — that law-enforcement officers may have been

¹Officer Nestegard testified that the ammunition was hanging from loops on a hunting vest and that he could see the ammunition without needing to reach into the pockets of the vest. Docket No. 28 at 46. Setting that aside, a search of the pockets of a hunting vest would be within the scope of Anderson's consent even if Anderson only authorized a search for weapons.

able to search Anderson's motel room without his consent, given the conditions of release governing his parole, and given the information that had been reported to Officer Klingenberg.

ORDER

Based on all of the files, records, and proceedings herein, the Court overrules Anderson's objection [Docket No. 44] and ADOPTS the R&R [Docket No. 32]. IT IS HEREBY ORDERED THAT defendant's motion to suppress evidence obtained as a result of search and seizure [Docket No. 17] is DENIED.

Dated: April 12, 2010

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge